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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,121	02/02/2004	Albrecht Donat	DONAT-2	7255
20151	7590	01/13/2005	EXAMINER	
HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			MARC, MCDIEUNEL	
		ART UNIT		PAPER NUMBER
				3661

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/770,121	DONAT ET AL.	
Examiner	Art Unit		
McDieunel Marc	3661		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 May 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-6 is/are rejected.  
7)  Claim(s) 7 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 02 February 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/5/2004.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

1. Claims 1-7 are allowed.

### ***Claim Objections***

2. Claims 1 and 5 are objected to because of the following informalities:

The phrase "and the like". The phrase implies a different way of doing the task without providing a teaching within the specification. See claim 1, line 2, claim 5, lines 1-2 and the abstract. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by

**Entwistle et al.**, (U.S. Pat. No. 4,698,766).

As per claim 1, Entwistle et al. teaches an industrial processing and manufacturing systems having a drive unit for controlling a machine (see fig. 1, elements 12 and 13), in particular production machine, machine tool robot (see fig. 1,

elements 1-3), with a plurality of components, each component comprising (see fig. 1, element 6): at least one component-specific function associated with the component (see fig. 1, elements 6 and 8), and a uniform communication module forming an interface (see fig. 1, elements 13 and 14).

As per claim 2, Entwistle et al. teaches a system wherein at least one component of the plurality of components is hierarchically superior to the other components of the plurality of components (see fig. 1, element 16, wherein the main frame computer being considered as the superior component), with the other components representing subordinate components (see figs. 1-2), wherein the subordinate components communicate with the supervisory component via their respective interfaces (see fig. 2 and col. 2, lines 21-32).

As per claim 3, Entwistle et al. teaches a system wherein the interfaces are connected by logical point-to-point connections (see fig. 1, elements 8, 10-12 and 14).

As per claim 4, Entwistle et al. teaches a system wherein the interfaces are connected by a bus system (see fig. 1, element 13).

As per claim 5, Entwistle et al. teaches a method for controlling machines, in particular machine tools, robots and the like, with a drive unit that includes a plurality of components (see fig. 1, as described above), comprising the steps of: assigning a type to each of the components, assigning at least one component-specific function to each component type (see fig. 1, element 6 as described above), associating a uniform communication module with each of the components (see fig. 1, as described above), said communication module forming an interface, associating a type-specific communication protocol with each component type (see fig. 1, elements 13 and 14), designating at least one component of the plurality of components as being a hierarchically superior component, with the remaining components of the plurality of components being designated as subordinate components, and enabling

communication between the superior component and the subordinate components via the type-specific communication protocol (see figs. 1-2 as described above).

As per claim 6, Entwistle et al. teaches a method, wherein the type-specific communication protocol of each subordinate component is indicated to the superior component when the drive unit is switched on (inherently, the subordinates are indicated to the superior/main frame computer).

***Allowable Subject Matter***

5. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
  
6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fail to teach or fairly suggest with a method for controlling machines, wherein each component type is described by physical parameters associated with the component type, and wherein the physical parameters are indicated to the superior component by using another protocol that is independent of the component type in combination with the other elements of the claimed invention.

Art Unit: 3661

Any inquiry concerning this communication or earlier communications from the examiner should be directed to McDieunel Marc whose telephone number is (703) 305-4478. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
McDieunel Marc

Friday, January 02, 2005

MM/

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
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